

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6838

BILL NUMBER: HB 1175

NOTE PREPARED: Feb 5, 2013

BILL AMENDED: Jan 31, 2013

SUBJECT: Search Fee for Public Records Requests.

FIRST AUTHOR: Rep. Friend

FIRST SPONSOR: Sen. Holdman

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a state or local government public agency to charge a fee for any records search in excess of two hours. It provides that the search fee must be an hourly fee that does not exceed the lesser of: (1) the hourly rate of the person making the search; or (2) \$20 per hour. It provides that the public agency may charge only for time that the person making the search actually spends in searching for the record, and may not charge for computer run time. The bill also requires the fee to be prorated to reflect any search time of less than an hour.

The bill prohibits a public agency from charging a fee for a public record transmitted by electronic mail except for: (1) a fee charged for reprogramming a computer system if the reprogramming is required to separate disclosable information from nondisclosable information; (2) a certification or search fee set by statute or ordered by a court; or (3) a fee charged for providing an electronic map. It provides that if a public record is in an electronic format, a public agency (excluding the office of the county recorder) shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill allows fees to be charged by state and local agencies for public records searches that take longer than two hours. There are no data relating to public records searches or search times. The amount of fees that may be collected under the bill is indeterminable. The impact will depend upon whether agencies assess these fees, and the extent to which employees are engaging in public

records searches that qualify for the assessment of fees.

The bill also prohibits public agencies from charging fees for public records transmitted by electronic mail. To the extent that public agencies are charging fees for public records sent electronically, then revenue from these fees would decrease. Fees charged by county recorders would not be prohibited.

Explanation of Local Expenditures:

Explanation of Local Revenues: See *Explanation of State Revenues*.

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources:

Fiscal Analyst: Jessica Harmon, 317-232-9854.